

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JOSEPH SHINE-JOHNSON,  
et al.,**

**Plaintiffs,**

**v.**

**MIKE DEWINE, et al.,**

**Defendants.**

**:**

**Case No. 2:20-cv-5919  
Chief Judge Sarah D. Morrison  
Magistrate Judge Elizabeth A.  
Preston Deavers**

**:**

**ORDER**

Joseph Shine-Johnson is an Ohio inmate that filed this *pro se* action against the warden and healthcare administrator at Belmont Correctional Institution, David Gray and Joseph Murphy, in November 2020. (ECF Nos. 1 and 59.) On November 19, 2024, the Magistrate Judge issued a Report and Recommendation recommending that the Amended Complaint be dismissed for failure to prosecute. (R&R, ECF No. 161.) Mr. Shine-Johnson filed objections to the R&R, and the State of Ohio responded. (ECF Nos. 162–163.)

If a party objects to a report and recommendation, the Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

On November 16, 2020, Mr. Shine-Johnson and fifteen inmates filed this action against eleven individuals connected to BCI for their grievances related to the COVID-19 pandemic. (ECF Nos. 1 and 25.) In August 2023, the Court dismissed most of the parties, allowing Mr. Shine-Johnson to pursue his claims individually against Mr. Gray and Mr. Murphy. (ECF No. 129.) By May 9, 2024, Mr. Shine-Johnson had not attempted service, so the Court ordered him to do so within thirty days. (ECF No. 154.) Mr. Shine-Johnson requested assistance with service. (ECF No. 155.) Thus, on June 12, 2024, the Court ordered him to file the appropriate service forms within thirty days. (ECF No. 156.) He failed to comply with the Court's Order.

Three months later, Mr. Shine-Johnson was ordered to show cause why the action should not be dismissed. (ECF No. 157.) He responded to the Show Cause Order, explaining that he was waiting for the Clerk's office to send him the appropriate forms. (ECF No. 158.) As a result, the Court instructed the Clerk's office to send Mr. Shine-Johnson the service forms and ordered him to file them within twenty-one days. (ECF No. 158.) Mr. Shine-Johnson filed the forms eleven-days late and his summons form was incomplete. (ECF No. 160.)

The Magistrate Judge put on a Report and Recommendation to dismiss this action because Mr. Shine-Johnson failed to serve Mr. Gray and Mr. Murphy and failed to comply with the Court's Orders and the rules of civil procedure. (R&R.) The Magistrate Judge went on to explain that the Court provided him with clear instructions on how to effectuate service, to no avail. (*Id.*) The Court found Mr. Shine-Johnson's failure to comply and effect service was willful. (*Id.*)

Mr. Shine-Johnson objects to the conclusion that his failure to comply or effectuate service was willful. (Obj., ECF No. 162.) He argues that any mistakes on his service forms were made inadvertently, and the Court did not tell him how the form was incomplete. He contends dismissal is improper because his mistake is curable. (*Id.*) Mr. Shine-Johnson attached the summons and USM-285 forms to his objection, but he again failed to properly complete the summons form. (ECF No. 162-1.)

While the Court has discretion to excuse a mistake, Mr. Shine-Johnson's *pro se* status does not "discharge him from adhering to the requirements of the Federal Rules of Civil Procedure nor the Local Rules for this District." *Benzaoual v. OhioHealth Corp.*, No. 2:19-CV-3366, 2021 WL 2712174, at \*3 (S.D. Ohio July 1, 2021) (Marbley, J.) (internal citation omitted). The Court finds no error in the Magistrate Judge's conclusions or reasoning. Mr. Shine-Johnson's objections provide no basis to conclude otherwise.

Accordingly, Mr. Shine-Johnson's Objection is **OVERRULED**. The Court **ADOPTS** and **AFFIRMS** the Magistrate Judge's Report and Recommendation. The case is **DISMISSED**. The Clerk is **DIRECTED** to **TERMINATE** this case.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison  
**SARAH D. MORRISON, CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**